

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**BILLY E. BURNETT, INC.**

**PLAINTIFF/COUNTER-DEFENDANT**

**VS.**

**CIVIL ACTION NO. 4:05CV109LR**

**MERIDIAN HOUSING AUTHORITY**

**DEFENDANT/COUNTER-CLAIMANT**

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**ORDER**

This matter came before the court on the Motion to Intervene filed in this matter by Travelers Casualty and Surety Company of America, which was supplemented by an Amended Motion for Leave to Intervene. Travelers is the Defendant in a lawsuit brought in state court by the Defendant in this matter, which is apparently based on the same transaction at issue here. However, Travelers failed to answer or otherwise appear in that action, and the Meridian Housing Authority obtained a default judgment against it. A motion to set aside that judgment is pending in state court, and a hearing on that motion is set for July 31, 2006.

Unless and until that judgment is set aside, the court is unwilling to permit Travelers to intervene in this action, as it is not clear what issues Travelers would be permitted to assert. Therefore, the Motion to Intervene is denied at this time. This denial is without prejudice to Travelers' re-asserting its right to intervene after the default judgment issue is resolved in state court.

IT IS, THEREFORE, ORDERED that Travelers' Motions to Intervene that were filed by both parties is hereby **denied**.

IT IS SO ORDERED, this the 2<sup>nd</sup> day of August, 2006.

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S/John M. Roper  
UNITED STATES MAGISTRATE JUDGE